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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,243	04/11/2000	Stanley Young Hobbs	RD-27.538	4419
6147	7590	01/27/2006	EXAMINER	
GENERAL ELECTRIC COMPANY GLOBAL RESEARCH PATENT DOCKET RM. BLDG. K1-4A59 NISKAYUNA, NY 12309			CRAIG, DWIN M	
			ART UNIT	PAPER NUMBER
			2123	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/547,243

Applicant(s)

HOBBS ET AL.

Examiner

Dwin M. Craig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-24, 36-48 and 60-72 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6, 7, 25, 26, 28, 30, 31, 49, 50, 52, 54 and 55 is/are rejected.
- 7) ☒ Claim(s) 3, 5, 8-11, 27, 29, 32-36, 51, 53 and 56-59 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to: See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Reopening of Prosecution

1. The Examiner notes the BPAI decision rendered on 9/15/2005. However, a new reference has been discovered and prosecution on the merits is reopened in accordance with the procedures set forth in MPEP § 1214.04 and 37 CFR 1.198. It is believed that the claims referenced below are not patentable over the newly discovered reference. An action on the merits appears below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Independent Claims 1, 25 and 49 and dependent claims 2, 4, 6, 7, 26, 28, 30, 31, 50, 52, 54 and 55 are rejected under 35 USC 102(e) as being anticipated by US Patent 6,747,662 Masuda et al. *hereafter referred to as Masuda*.

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2.1 As regards independent claims 1, 25 and 49 and using independent claim 1 as an example, there are three limitations.

2.2 Limitation 1, “*A computer-implemented method for enabling design of a product having a visual effect caused by an additive*”

Masuda teaches; (Figure 2 discloses a computer implemented method and Col. 2 lines 64-67 and Col. 3 lines 1-4, “Thus, in architecting a computer system to retrieve a designer-imaged color of a metallic paint which contains various effective pigments and whose colors varies in many ways with the angle of observation, if the following three items are available, the hue-tone value which is the imaged value can be calculated and, by using this value, conversely any hue-tone value can be retrieved from the reflection factors at many different angles measured in the past: (underlining added)” Explanation, the Examiner notes that the cited teaching discloses a computerized method and the *pigments* of the *metallic paint* are the additive. The visual effect in this case is the calculation of the *imaged value* of the *hue-tones*).

2.3 Limitation 2, “*obtaining information relating to the additive;*”

Masuda teaches; (Col. 3 lines 5-12, “a hard disk for storing the colormetric values of a metallic paint color at many different angles.” Explanation, the Examiner notes that the cited teaching discloses *obtaining information*, in this case reading information from the hard disk where *colormetric values of a metallic paint are stored*, as that information relates to the *additive*. The *colormetric values of a metallic paint* are the information relating to the additive).

2.4 Limitation 3, “*providing a representation of the product having the visual effect based on the information relating to the additive.*”

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9Masuda teaches; (Col. 2 lines 45-51, “a means to generate coating color computer graphics of said metallic paint color from colormetric values of said metallic paint color at a plurality of angles of observation; and a means to arrange and display said coating color computer graphics over the hue-tone value in a hue-tone chart generated on a display unit.

(underlining added)” Explanation, the Examiner notes that the cited teaching discloses providing a representation, a means to generate coating color computer graphics, of the product having a visual effect based on information relating to the additive, said metallic paint color from colormetric values of said metallic paint color.)

2.5 As regards the limitation in independent claim 49 of a stored program *Masuda* teaches (Col. 1 Lines 22-25). The Examiner notes that a “*design tool*” refers to a software program.

2.6 As regards dependent claims 2, 26 and 50 *Masuda* teaches flake material (Col. 3 lines 44-45).

2.7 As regards dependent claims 4, 28 and 52 *Masuda* teaches diffusion material (Col. 3 lines 57-65). The Examiner notes that a “*gloss coat*” is a type material that performs *diffusion* of light and is therefore a *diffusion material*. As evidence that a “*gloss coat*” is a type of “*diffusion*” material the Examiner cites (Col. 2 Lines 39-43) of US Patent 5,823,891.

2.8 As regards dependent claims 6, 30 and 54 *Masuda* teaches information relating to the color of the product, (Col. 6 lines 63-67).

2.9 As regards dependent claims 7, 31 and 55 *Masuda* teaches a database (Col. 6 lines 66-67 and Col. 7 line 2).

Allowable Subject Matter

3. Claims 12-24, 36-48 and 60-72 are allowed.

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3.1 Dependent Claims 3, 5, 8-11, 27, 29, 32-36, 51, 53 and 56-59 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Claims 12-24, 36-48 and 60-72 are allowed. Dependent Claims 3, 5, 8-11, 27, 29, 32-36, 51, 53 and 56-59 are objected. Independent Claims 1, 25 and 49 and dependent claims 2, 4, 6, 7, 26, 28, 30, 31, 50, 52, 54 and 55 are rejected.

4.1 The Examiner respectfully asserts that the new prior art reference being cited is not deficient in regards to teaching the limitation of, *providing a representation of the product having a visual effect based on information relating to the additive*.

4.2 This Office Action is Non-Final.

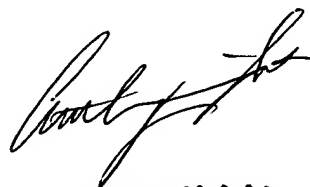
4.3 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwin M. Craig whose telephone number is (571) 272-3710. The examiner can normally be reached on 10:00 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMC



Anthony Knight
Supervisory Patent Examiner
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